

Paper No. 1663
Disposes of
Paper No. 1653

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al) ORDER
) REOPENING DEFENSE CASE
) AND ADMITTING PORTION
- vs -) OF THE AFFIDAVIT OF THE
) HONORABLE GEORGE C.
) MARSHALL
ARAKI, Sadao, et al) AS AN EXHIBIT.

This matter coming on this 2nd day of April, 1948, for hearing and consideration by the Tribunal in open Court, upon the written application of the Accused OSHIMA, Hiroshi, by his counsel Owen Cunningham, for permission to file the affidavit of General of the Army of the United States (retired) and present Secretary of State of the United States of America George C. Marshall as an exhibit in this case on behalf of said Accused OSHIMA, a copy of said affidavit being attached to said written application and the reasons advanced in support of said application being set forth in said application which is Paper No. 1653; and also upon the oral application of said OSHIMA, Hiroshi, made in open court by his counsel Owen Cunningham this 2nd day of April, 1948, that the Tribunal reopen the Defense case to enable the said Accused OSHIMA, by his counsel, to tender the affidavit of the Honorable George C. Marshall, which is Defense Document No. 3300, for admission in evidence, the said Defense Document No. 3300 having been offered by counsel for said Accused OSHIMA as an exhibit in this case,

And the Tribunal having heard the arguments of counsel for said accused OSHIMA and for the Prosecution, and being

fully advised in the premises by a majority decision of the Tribunal, it is

ORDERED: That the Defense case be reopened and the affidavit of the Honorable George C. Marshall (Defense Document No. 3300) be admitted in evidence only to the extent of the first question and answer thereof, and that the portion of Defense Document No. 3300 admitted in evidence receive Exhibit No. 2765-B.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT

SITTING:

The Hon. Sir William F. Webb
The Hon. Mr. Justice McDougall
The Hon. Mr. Justice Ju-Ao Mei
The Hon. Mr. Justice Bernard
The Hon. Mr. Justice Pal
Lord Patrick
The Hon. Mr. Justice Roling
The Hon. Mr. Justice Northcroft
The Hon. Mr. Justice Jaranilla
Maj. Gen. of Justice I. M. Zaryanov
Maj. Gen. Myron C. Cramer